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REMARKS

This response amends claim 1 by incorporating the limitations of dependent claims 3-6 into claim 1. Claim 11 is amended similarly. Claims 3-6 are canceled to avoid duplicity. Since the added features are from dependent claims that have been previously examined, the Applicants believe that they certainly do not require a new search and should be entered.

At the beginning of page 2 of the pending Office Action, the Examiner objects to Figure 1, suggesting that it should be designated by a legend such as --Prior Art--. A legend --Prior Art-- has been added to Figure 1 accordingly. The Applicants believe that this objection has been overcome.

At pages 2-3, the Examiner objects to the specification, suggesting that the title is not descriptive. The title has been amended to "optical disc player having a carriage control system relying upon a multiplied periodic signal and a reproduced TE signal", as the Examiner suggests. It is believed that this objection has been overcome.

At page 3, the Examiner objects to claims 1 and 11, asserts that the phrase "drive signal producing means" fails to find clear support in the specification. The Applicants disagree. For example, support for this phrase can be found at page 16, lines 23-24, which states that a "multiplier 28" serves as the "drive signal producing means".

At pages 3-4, the Examiner rejects claims 1-11 under 35 USC 102(b) as

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being anticipated by under 35 USC 103(a) as being obvious over JP 407192416. At page 6, claims 1, 2 and 21 are rejected under 35 USC 102(b) as being anticipated by Hamaguchi et al. These rejections are respectfully traversed.

JP 407192416 describes a carriage servo device capable of stably operating without being affected by the eccentricity of a disk. However, this reference fails to disclose a driving signal producing means as recited by claim 1 of the present application.

At page 5 of the Office Action, the Examiner identifies element 16 as the driving signal producing means. The Applicants disagree. Element 16 in JP 407192416 is a carriage control circuit. Where does the reference suggest that it produces driving signals? At page 16, lines 23-24, the specification states that the driving signal producing means is a multiplier 28. This is different from a carriage control circuit.

Moreover, it is clear that JP 407192416 fails to disclose the features "wherein said drive signal producing means produces the drive signal on a basis of a partial error signal and the periodic signal, said partial error signal serving as the error signal having a value not less than a predetermined threshold value;" and "wherein said drive signal producing means produces the drive signal on a basis of a partial error signal and the periodic signal, said partial error signal serving as the error signal having a value not less than a predetermined threshold value" (from previous claims 3-4).

At page 4 of the Office Action, the Examiner suggests that, with respect

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to claims 3-4, the JP document uses a threshold circuit  $V_z$  in Figure 1. A threshold circuit does not necessarily suggest producing a drive signal on a basis of a partial error signal and the periodic signal, as recited by claim 1 of the present application.

Further, the Applicants believe that JP 407192416 does not teach or suggest the features "wherein said drive signal producing means multiplies the periodic signal and the partial error signal produced together to produce the drive signal"; and "wherein said drive signal producing means multiplies the periodic signal and the partial error signal produced together to produce the drive signal", as recited by claim 1 of the present application (features of previous dependent claims 5-6).

At page 4 of the Office Action, the Examiner asserts that, with respect to claims 5, 6, 9 and 10, the output C1 as depicted in figure 3 of the JP document depicts a resultant signal waveform, which flows from the appropriate electronic circuits to yield a multiplication of the two inputs signals. This is not the same as multiplies the periodic signal and the partial error signal produced together to produce the drive signal, as recited by claim 1 of the present application.

In short, the features incorporated into claim 1 recite a drive signal producing means that (i) extracts, in a period in which the error signal as produced is not less than a predetermined threshold value, the error signal as produced, and (ii) multiplies the periodic signal as produced and the error signal as extracted, to produce a drive signal to move the carriage means on

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a basis of both the produced periodic signal and the produced error signal. The cited Japanese patent neither discloses nor suggests such as drive signal producing means. Thus, the Applicants believe that claim 1 is patentable.

With respect to Hamaguchi et al., the Examiner does not show that this reference teaches or suggests the above-quoted features of claims (limitations of previous claims 3-6). Thus, the amended claim 1 is also patentable over Hamaguchi et al.

MPEP 2131 states that a "claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," quoting *Verdegaal Bros v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Under MPEP 2143, to establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Since the cited references fail to teach or suggest the above-quoted features of claim 1, the Applicants respectfully submit that claim 1 is patentable. Claims 2 and 7-10 are also patentable, at least by virtue of their dependency from claim 1. Claim 11 is patentable for the same reasons as claim 1.

#### Double Patenting Rejection

At page 5 of the Office Action, the Examiner rejects claims 1-11 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 5, 7, 9, 11, 13, 15, 17, 19 and 21 of .

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copending application no. 09/972,411. This rejection is respectfully traversed for at least the following reasons.

First, this rejection is untimely. The cited case has not yet been allowed or granted. Therefore, the claims that these applications have today may not reflect the claims which actually go to grant.

Second, it is believed that the differences between claims 1-11 of the present application and claims 1, 3, 5, 7, 9, 11, 13, 15, 17, 19 and 21 of copending application no. 09/972,411 are not obvious at all, especially after claim 1 and claim 11 have been amended. The Examiner has cited no prior art to support his assertion that the differences in these claims are obvious. The differences between claims of the present application and those of the copending application seem to be very clear to the Applicants, and the Examiner's assertion that these differences are obvious are not understood by the Applicants.

The Applicants have attempted to address all of the issues raised by the Examiner in the Office Action as the Applicants understand them. The Applicants believe that the Application is now in condition for allowance. If any point requires further explanation, the Examiner is invited to telephone Troy Cai at (323) 934-2300 or e-mail Troy Cai at tcgai@ladasperry.com.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account No. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time

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period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

Enclosed please find a copy of Troy Guangyu Cai's Notice of Limited Recognition under 35 CFR 10.9(b) to prepare and prosecute patent applications wherein the patent applicant is a client of Ladas & Parry, and the attorney of record in the applications is a registered practitioner who is a member of Ladas & Parry.

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. 703-872-9306 on August 22, 2004  
(Date of Deposit)

Troy Guangyu Cai  
(Name of Person Signing)

(Signature)

(Date)

Respectfully submitted,

  
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**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
UNITED STATE PATENT AND TRADEMARK OFFICE**

**LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)**

Troy Guangyu Cai is hereby given limited recognition under 37 CFR § 10.9(b) as an employee of Ladas & Parry to prepare and prosecute patent applications wherein the patent applicant is a client of Ladas & Parry, and the attorney or agent of record in the applications is a registered practitioner who is a member of Ladas & Parry. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Troy Guangyu Cai ceases to lawfully reside in the United States, (ii) Troy Guangyu Cai's employment with Ladas & Parry ceases or is terminated, or (iii) Troy Guangyu Cai ceases to remain or reside in the United States on an H-1 visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

**Expires: May 12, 2005**



Harry I. Moatz  
Director of Enrollment and Discipline